

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRIES  
AVERAGE WHOLESAL PRICE  
LITIGATION

Civil Action No. 01-cv-12257

THIS DOCUMENT IS RELATED TO  
ALL CASES

Judge Patti B. Saris

**PLAINTIFFS' AND ASTRAZENECA PHARMACEUTICALS LP'S  
DEPOSITION TESTIMONY DESIGNATIONS  
RELATED TO DEFENDANT ASTRAZENECA**

Plaintiffs and AstraZeneca Pharmaceuticals LP ("AstraZeneca") offer the deposition testimony listed below, and attached hereto as Exhibit A, as follows: Section I lists Plaintiffs' Offering Designations (highlighted on the attached transcripts in yellow) and AstraZeneca's counter-designations (highlighted on the attached transcripts in orange); Section II lists AstraZeneca's Offering Designations (highlighted on the attached transcripts in blue) and Plaintiffs' counter-designations (highlighted on the attached transcripts in pink).

**I. Plaintiffs' Offering Designations**

**A. Christopher Waldo Bowman**

<b>Offering Party</b>	<b>Designation Range</b>	<b>Objection/Counter Designation</b>
Plaintiffs	October 13, 2005 Deposition: 4:7-16	10:15-12:9
Plaintiffs	28:15-19	23:14-24:5; 27:10-28:14
Plaintiffs	37:14-22	38:9-39:7; 40:3-15; 131:5-14
Plaintiffs	38:4-8	None
Plaintiffs	43:12	11:15-12:9
Plaintiffs	44:13-22	None
Plaintiffs	45:17-46:2	45:14-16

<b>Offering Party</b>	<b>Designation Range</b>	<b>Objection/Counter Designation</b>
Plaintiffs	47:14-48:8	None
Plaintiffs	51:20-52:4	63:12-63:16
Plaintiffs	53:4-14	None
Plaintiffs	57:1-10	None
Plaintiffs	58:2-9	None
Plaintiffs	63:17-64:14	None
Plaintiffs	67:1-2	None
Plaintiffs	69:20-22	None
Plaintiffs	70:12-71:2	72:16-73:2
Plaintiffs	74:4-8	None
Plaintiffs	76:21 ending with "257."	76:8-16; 79:3-6
Plaintiffs	77:11-21	79:3-6
Plaintiffs	83:4	None
Plaintiffs	83:18-84:6	84:20-85:19
Plaintiffs	98:22-99:7	None
Plaintiffs	102:12-103:1	98:13-21; 99:8-10

**B. David R. Brennan**

<b>Offering Party</b>	<b>Designation Range</b>	<b>Objection/Counter Designation</b>
Plaintiffs	February 14, 2006 Deposition: 6:13-15	None
Plaintiffs	6:21-7:1	7:2-3
Plaintiffs	7:9-8:3	None
Plaintiffs	14:9-15:1	None
Plaintiffs	15:3 starting with "Return" – 18	None
Plaintiffs	16:11-17:3	Leading Question (16:21 – 17:3) 15:19-16:10; 17:4-5

<b>Offering Party</b>	<b>Designation Range</b>	<b>Objection/Counter Designation</b>
Plaintiffs	17:6-13 ending with “time.”	Leading Question (16:21 – 17:3; 17:6-10)  17:4-5; 17:14-18:10
Plaintiffs	18:11 starting with “You” – 12	Leading Question, Mischaracterizes Witness’s Testimony (18:11-12)  18:13-18:15
Plaintiffs	18:17-19:7	Leading Question, Mischaracterizes Witness’s Testimony (18:11-12; 18:17-19:7)
Plaintiffs	20:22 starting with “And the difference” – 21:12	None
Plaintiffs	25:7-16	None
Plaintiffs	26:2-11	None
Plaintiffs	27:18-28:15, 28:19-22	Vague Question (28:14-15; 28:19-20)  28:16-18
Plaintiffs	29:1-17, 22	None
Plaintiffs	30:1, 4-9, 12-22	Lacks Foundation (29:22-30:13)  30:2-3; 30:10-11
Plaintiffs	31:1-7	33:5-33:12
Plaintiffs	33:13-18, 20-22	Question calls for a legal conclusion (33:13-18; 33:20-34:4)  33:19
Plaintiffs	34:1-4 ending with “that.”	Question calls for a legal conclusion (33:13-18; 33:20-34:4)  33:19
Plaintiffs	37:5-14	None
Plaintiffs	38:8-16	38:17-19
Plaintiffs	39:8-40:4	40:16-20
Plaintiffs	44:4-7, 12-16	Lacks Foundation (44:44-7; 44:12-16)  44:8-11; 44:17-45:12

<b>Offering Party</b>	<b>Designation Range</b>	<b>Objection/Counter Designation</b>
Plaintiffs	49:21-22	52:13-15
Plaintiffs	50:15-51:17	52:13-15
Plaintiffs	55:9-56:4	Lacks Foundation (55:9-56:4) 54:10-55:5; 56:5
Plaintiffs	56:6-57:18	Lacks Foundation (56:6-57:18) 54:10-55:5; 56:5; 57:19-22
Plaintiffs	58:1-8, 12-21	Lacks Foundation (58:1-8)
Plaintiffs	62:16-63:4	None
Plaintiffs	63:7-8, 12-16	None
Plaintiffs	64:17-22	None
Plaintiffs	65:5-12, 18-21	None
Plaintiffs	67:17-20 ending with “doing that.”	48:20-49:5; 67:8-16; 67:21-68:11
Plaintiffs	68:12-18 ending with “issue.”	68:18-69:18
Plaintiffs	70:8-20	Relevance, 403
Plaintiffs	75:19-76:10	Relevance, 403 77:3 – 77:14
Plaintiffs	86:10 starting with “Was there” – 13, 16-21	Relevance, 403, Lacks Foundation (86:10-86:13; 86:16-86:21) 86:14-15
Plaintiffs	95:6-20	Relevance, 403

**C. John R. Freeberry**

<b>Offering Party</b>	<b>Designation Range</b>	<b>Objection/Counter Designation</b>
Plaintiffs	May 20, 2004 Deposition: 6:10-7:3	None
Plaintiffs	99:22-100:18	100:19-101:1
Plaintiffs	101:2-8, 13-17	Relevance, 403 (101:13-17)

<b>Offering Party</b>	<b>Designation Range</b>	<b>Objection/Counter Designation</b>
Plaintiffs	109:2-22	None
Plaintiffs	167:12-168:20	227:21-228:14
Plaintiffs	170:1-16	None
Plaintiffs	172:19-173:8	None
Plaintiffs	173:18-174:11	175:5-176:6
Plaintiffs	October 4, 2005 Deposition 23:18-20	None
Plaintiffs	24:1-13	May 20, 2004 Deposition: 178:14-179:14 204:10-21 206:1-16
Plaintiffs	25:4-5	Missing Answer (25:4-5)
Plaintiffs	25:22-27:6	Missing Question (25:22-26:8)  May 20, 2004 Deposition: 204:10-21 206:1-16
Plaintiffs	48:15-49:3	None
Plaintiffs	49:16-18	Mischaracterizes Witness's Testimony (49:16-18)  49:4-15 49:19-51:1
Plaintiffs	90:11-22	None
Plaintiffs	114:14-20	None
Plaintiffs	115:18-116:3	116:4-16

**D. Christopher Iacono**

<b>Offering Party</b>	<b>Designation Range</b>	<b>Objection/Counter Designation</b>
Plaintiffs	June 9, 2005 deposition 125:9-20	None
Plaintiffs	125:21-126:8	None

<b>Offering Party</b>	<b>Designation Range</b>	<b>Objection/Counter Designation</b>
Plaintiffs	126:21-127:16	None
Plaintiffs	174:6-20	116:7 – 117:7
Plaintiffs	177:20-22	121:22 – 123:2

**E. Carol L. Ware**

<b>Offering Party</b>	<b>Designation Range</b>	<b>Objection/Counter Designation</b>
Plaintiffs	October 25, 2005 Deposition: 17:6-7	17:8-19:3, 20:5-21:4
Plaintiffs	19:18-20:4	19:4-17, 81:21-82:16
Plaintiffs	31:3-20	30:10-31:2
Plaintiffs	52:22-53:3	None
Plaintiffs	75:5-14	None
Plaintiffs	84:13-85:8	None
Plaintiffs	89:20-90:1	None
Plaintiffs	91:1-11	None
Plaintiffs	93:1-94:1	None
Plaintiffs	94:8-95:16	None
Plaintiffs	112:2-10	None
Plaintiffs	119:5-20	None
Plaintiffs	120:4-20	120:21-121:4
Plaintiffs	121:5-9	121:10-13
Plaintiffs	123:8	None
Plaintiffs	124:9-125:2	None
Plaintiffs	130:17-20	Lack of Foundation, Lack of Personal Knowledge, Vague and Ambiguous Question (130:17-20)  130:8-16
Plaintiffs	139:6-7	Missing Question (139:6-7)

**II. AstraZeneca's Offering Designations****A. Jeffrey L. Alverson**

<b>Offering Party</b>	<b>Designation Range</b>	<b>Objection/Counter Designation</b>
		<u>Objections.</u> Fed. R. Evid. 801. Witness is not unavailable as defined by Fed. R. Evid. 804(a).
Defendant	June 29, 2004 Deposition: 39:12 – 41:6	None
Defendant	August 18, 2004 Deposition: 314:18 – 316:4	<u>Objections.</u> Fed. R. Evid. 801. Witness is not unavailable as defined by Fed. R. Evid. 804(a). Testimony is likewise hearsay within hearsay and offered for the truth of the matter asserted.  Fed. R. Evid. 602 – lack of personal knowledge.  <u>Counter-designations.</u> Alverson (6/29/04): 69:2-11; 84:8-85:7

**B. John R. Freeberry<sup>1</sup>**

<b>Offering Party</b>	<b>Designation Range</b>	<b>Objection/Counter Designation</b>
		<u>Objections.</u> Fed. R. Evid. 801. Witness is not unavailable as defined by Fed. R. Evid. 804(a).
Defendant	May 20, 2004 Deposition:	None

<sup>1</sup> Although both parties offer deposition testimony from this witness, for convenience only one copy of the transcript has been provided with all relevant designations included.

Offering Party	Designation Range	Objection/Counter Designation
	6:9 – 7:5	
Defendant	7:18 – 8:17	None
Defendant	24:9 – 26:1	None
Defendant	109:1 – 111:22	<u>Objections.</u> Hearsay within hearsay.
Defendant	118:11 – 120:13	<u>Objections.</u> Hearsay within hearsay.

DATED: December 13, 2006

By: /s/ Jennifer Fountain Connolly

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**CERTIFICATE OF SERVICE**

I hereby certify that I, Jennifer Fountain Connolly an attorney, caused a true and correct copy of the foregoing ***Plaintiffs' and AstraZeneca Pharmaceuticals LP's Deposition Testimony Designations Related to Defendant AstraZeneca*** to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on December 13, 2006, a copy to LexisNexis File & Serve for posting and notification to all parties.

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